

### **REMARKS**

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Applicants amend claims 1, 2, 4, 6, 9, 10, 18, 19, 21-23, 26, 27, 29 and 30 to overcome the rejections under 35 U.S.C. §101 and have not added new matter. Support for the method steps executing in a computer processing system is given in U.S. Patent 6950802 issued 27 September 2005 which was incorporated by reference in the original specification. Applicants request the Examiner to enter the amendments because they put the application in condition for allowance and/or better condition for appeal. Claims 1, 2, 4, 6, 9, 10, 13-23, 26, 27, 29 and 30 are pending.

#### **The first rejection under 35 U.S.C. §101**

Applicants traverse the rejection of claims 9-10, 13-17 as not being tied to another statutory class and/or not transforming underlying subject matter to a different state or thing. Applicants amend the claims to state that the method steps execute in at least one computer processing system, thus now having identified the apparatus that accomplishes the method steps. Applicants do not concede the correctness of the rejection. Applicants thus request the Examiner withdraw the rejection of claims 9-10, 13-17 under 35 U.S.C. §101.

#### **The second rejection under 35 U.S.C. §101**

Applicants traverse the rejection of claims 1-2, 4, 6, 18-23, 26-27, 29 and 30 as being directed to more than class of statutory subject matter. Applicants amend the claims by rewriting the claims so that the elements of the claimed apparatus are not performing method steps. Applicants do not concede the correctness of the rejection. Applicants do request that the rejections of claims 1-2, 4, 6, 18-23, 26-27, 29 and 30 under 35 U.S.C. §101 be withdrawn.

**The rejection under 35 U.S.C. §103(b)**

Applicants traverse the rejection of claims 1, 2, 4, 6, 18-23, 26-27, 29, 9-10, 13-27 and 30 as being obvious over Huang '582 in view of Applicant Admitted Prior Art (AAPA). Huang '582 teaches a decision support system for managing a business enterprise having a supply chain that includes a plurality of nodes for supplier and supplier plant information, production, manufacturing and warehouse information, inventory, customer and demand, products and customer profiling and capacity, supply chains and transportation factors. Huang '582 is a complex system that uses networks and clients and servers to manage this business information. Huang '582, however, does not teach or suggest an information technology architecture or component integrated with the business system, as taught by Applicants.

The rejection asserts that AAPA states that modeling a business model and modeling an IT component are two separate and unconnected systems and that changing the IT component does not reflect the total impact on the business enterprise. Thus, the rejection reasons that a person having ordinary skill in the art would modify the system and method of Huang '582 to include an IT component.

The rejection fails to state a prima facie case of obviousness. The rejection cannot be sustained because it combines Applicants' statement of the problem with a reference that does not recognize the problem. Applicants' statements of the nonexistence of and a need for a comprehensive integrated business/IT enterprise data processing system as claimed cannot be used against Applicants. Essentially, the rejection is as follows: Applicants state that A (a business enterprise) has not been integrated with B (an information technology enterprise); and Huang '582 teaches A without B so the combination of A with B is obvious. Surely, this rejection cannot hold muster upon appeal. Applicants request that the rejection of the claims under 35 U.S.C. §103(a) be withdrawn.

**Conclusion**

Applicants request the Examiner to enter the amendments because they remove the rejections under 35 U.S.C. §101 and put the claims in better condition for allowance and/or appeal. Applicants further assert that the rejection under 35 U.S.C. §103(b) does not present a prima facie case of obviousness and request that the rejection be withdrawn. Thus, Applicants further request that the claims, as amended, be allowed and that this long-standing application that is worthy of patent protection be issued.

Should there be any remaining issues that could be easily resolved by telephone, the Examiner is requested to telephone Karuna Ojanen at 612.455.3836.



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